

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FRACTUS, S.A., Plaintiff, v.	JURY TRIAL DEMANDED
AT&T MOBILITY LLC, Defendant, and COMMSCOPE TECHNOLOGIES LLC and CELLMAX TECHNOLOGIES AB, Intervenor-Defendants.	Case No. 2:18-cv-00135-JRG LEAD CASE
SPRINT COMMUNICATIONS COMPANY, L.P., ET AL., Defendants, and COMMSCOPE TECHNOLOGIES LLC and CELLMAX TECHNOLOGIES AB, Intervenor-Defendants.	Case No. 2:18-cv-00136-JRG
T-MOBILE US, INC. ET AL., Defendants, and COMMSCOPE TECHNOLOGIES LLC and CELLMAX TECHNOLOGIES AB, Intervenor-Defendants.	Case No. 2:18-cv-00137-JRG
VERIZON COMMUNICATIONS INC. ET AL., Defendants, and COMMSCOPE TECHNOLOGIES LLC, Intervenor-Defendant.	Case No. 2:18-cv-00138-JRG

**DECLARATION OF NATHAN CURTIS IN SUPPORT OF
DEFENDANTS' CLAIM CONSTRUCTION BRIEF**

I, Nathan R. Curtis, hereby declare as follows:

1. I am a resident of the United States and over the age of 21. The facts set forth herein are true and of my personal knowledge. If called upon to testify, I could and would verify competently thereto.

2. I am an attorney at the law firm of Gibson, Dunn & Crutcher LLP and represent Defendant AT&T Mobility LLC (“AT&T”) in the above-captioned consolidated action. I am a member in good standing of the State Bar of Texas.

3. I submit this declaration in support of Defendants’ Claim Construction Brief.

4. Attached as **Exhibit 1** hereto is a true and correct copy of U.S. Patent No. 6,937,191 to C. Puente et al. (“the ’191 patent”).

5. Attached as **Exhibit 2** hereto is a true and correct copy of U.S. Patent No. 7,250,918 to C. Puente et al. (“the ’918 patent”).

6. Attached as **Exhibit 3** hereto is a true and correct copy of U.S. Patent No. 7,557,768 to C. Puente et al. (“the ’768 patent”).

7. Attached as **Exhibit 4** hereto is a true and correct copy of U.S. Patent No. 7,932,870 to C. Puente et al. (“the ’870 patent”).

8. Attached as **Exhibit 5** hereto is a true and correct copy of U.S. Patent No. 8,228,256 to C. Puente et al. (“the ’256 patent”).

9. Attached as **Exhibit 6** hereto is a true and correct copy of the Declaration of Dr. Mohammad Ali served on Fractus on January 14, 2019.

10. Attached as **Exhibit 7** hereto is a true and correct copy of a letter from Herrero & Asociados, representing Fractus, S.A., to the European Patent Office in response to the Notice of Opposition filed by Kathrein-Werke for European Patent No. 1227545, dated November 2, 2004.

11. Attached as **Exhibit 8** hereto is a true and correct copy of the Amendment in Response to Non-Final Office Action filed in the prosecution of application no. 11/803,782 (which issued as the '768 patent), dated October 20, 2008.

12. Attached as **Exhibit 9** hereto is a true and correct copy of the IEEE Std. 145-1993, IEEE Standard Definitions of Terms for Antennas, approved March 18, 1993, and produced with Bates numbers DEFENDANTS-0016991–7030.

13. Attached as **Exhibit 10** hereto is a true and correct copy of excerpts of IEEE 100, The Authoritative Dictionary of IEEE Standards Terms (7th ed. 2000), produced with Bates numbers DEFENDANTS-0016982–990.

14. Attached as **Exhibit 11** hereto is a true and correct copy of excerpts of the McGraw-Hill Dictionary of Scientific and Technical Terms (6th ed. 2003), produced with Bates numbers DEFENDANTS-0017126–134.

15. Attached as **Exhibit 12** hereto is a true and correct copy of excerpts of Rudolf F. Graf, Modern Dictionary of Electronics (7th ed. 1999).

16. Attached as **Exhibit 13** hereto is a true and correct copy of the Amendment After Final Action filed in the prosecution of application no. 13/530,249 (which issued as U.S. Patent No. 8,896,493), dated August 26, 2013.

17. Attached as **Exhibit 14** hereto is a true and correct copy of Fractus's Opening Claim Construction Brief in *Fractus, S.A. v. ZTE Corp. et al.*, No. 2:17-cv-00561, Dkt. 77 (E.D. Tex.), dated July 17, 2018, and produced with Bates numbers DEFENDANTS-0016897–929.

18. Attached as **Exhibit 15** hereto is a true and correct copy of U.S. Patent No. 7,394,432 to C. Puente et al.

19. Attached as **Exhibit 16** hereto is a true and correct copy of the Amendment in Response to Non-Final Office Action filed in the prosecution of application no. 10/988,261 (which issued as the '918 patent), dated May 26, 2006.

20. Attached as **Exhibit 17** hereto is a true and correct copy of U.S. Patent No. 5,534,877 to R. Sorbello et al.

21. Attached as **Exhibit 18** hereto is a true and correct copy of annotated excerpts of 47 C.F.R. Part 2 (revised October 1, 1999).

22. Attached as **Exhibit 19** hereto is a true and correct copy of the Amendment in Response to Non-Final Office Action filed in the prosecution of application no. 12/476,308 (which issued as the '870 patent), dated November 2, 2010.

23. Attached as **Exhibit 20** hereto is a true and correct copy of U.S. Patent No. 5,838,282 to F. Lalezari et al.

24. Attached as **Exhibit 21** hereto is a true and correct copy of excerpts of Hargrave's Communications Dictionary (2001), produced with Bates numbers DEFENDANTS-0016944–918.

25. Attached as **Exhibit 22** hereto is a true and correct copy of excerpts of W. Stutzman, Antenna Theory and Design (2d ed. 1998), produced with Bates numbers DEFENDANTS-0009085–252.

26. Attached as **Exhibit 23** hereto is a true and correct copy of excerpts of the International Telecommunication Union (ITU) World Radiocommunication Conference (Istanbul, 2000), produced with bates numbers FRACTUS_00113184–856.

27. Attached as **Exhibit 24** hereto is a true and correct copy of annotated excerpts of 47 C.F.R. Part 2 (revised October 1, 2017).

28. Attached as **Exhibit 25** hereto is a true and correct copy of excerpts of the claim construction hearing in *Fractus, S.A. v. ZTE Corp. et al.*, No. 2:17-cv-00561 (E.D. Tex.), which took place on August 28, 2018.

29. Attached as **Exhibit 26** hereto is a true and correct copy of the Amendment filed in the prosecution of application no. 10/135,019 (which issued as the '191 patent), dated July 6, 2004.

30. Attached as **Exhibit 27** hereto is a true and correct copy of a letter from Oficina Ponti, representing Fractus, S.A., to the European Patent Office regarding the opposition proceedings for European Patent No. 1227545, dated October 11, 2012.

31. Attached as **Exhibit 28** hereto is a true and correct copy of a letter from Herrero & Asociados, representing Fractus, S.A., to the European Patent Office regarding the opposition proceedings for European Patent No. 1227545, dated November 20, 2006.

32. Attached as **Exhibit 29** hereto is a true and correct copy of the specification and claims filed with the application for European Patent No. 1227545.

33. Attached as **Exhibit 30** hereto is a true and correct copy of excerpts of the Oxford American Dictionary and Language Guide (1999), produced with Bates numbers FRACTUS_00113888–895.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 5, 2019.



Nathan R. Curtis